

Appln. No. 10/040,857

Attorney Docket No. 10541-396

III. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested. Claims 1-5 and 9-32 are pending.

Claim Rejections - 35 U.S.C. §103(a)

Claims 1-3, 9-11, 14-15, 17-19, 22, 24-25 and 28-32 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. 3,864,633 to Stenglein (Stenglein) in view of U.S. 5,710,995 to Akaiwa et al. (Akaiwa) and U.S. 5,887,247 to Baltus (Baltus).

Claims 4-5, 12-13, 16, 20-21, 23, and 26-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Stenglein in view of Akaiwa and Baltus as applied to claim 1 above, and further in view of U.S. 6,064,865 to Kuo et al. (Kuo).

As noted by the examiner, Stenglein fails to teach "a first mixer circuit is operable to reset a portion of the first and second signals for the receiver signal in response to the different proportion of the first and second signals of the test signal." Further, the examiner contends that Akaiwa teaches these features. The invention according to the independent claims 1, 9, 17, and 24 include two signals (a receiver signal and a test signal) both of which are a combination of the first and second signals from the antenna. Therefore, two proportions of the first and second signals are defined. The proportion of the first and second



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signal that make up the receiver signal and the different proportion of the first and second signals that make up the test signal. Accordingly, the receiver signal may remain at a best quality setting while the test signal scans for a better quality signal using different parameters. When a better quality signal is found, the parameters, in particular the proportion of the first and second signals for the receiver signal may be reset based on the proportion of the first and second signals of the test signal. Further, according to claim 32, the proportion of the first and second signal in the receiver signal may be set to match the different proportion of the first and second signals in the test signal.

However, the examiner has failed to establish a *prima facie* case of obviousness. "The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness." MPEP §2142. Rather, the examiner has provided as support, column 2, line 50 to column 3, line 43 of the Akaiwa reference. This section refers to the processing within one of the processing circuits, processing circuit 13. The cited text refers to only a single combination of the first and second signals and does not address the resetting or matching of the proportion of the first and second signals for the receiver signal based on a different proportion of the first and second signals of a test signal. As such, applicants respectfully submit that the rejection under 35 U.S.C. §103 is improper. Further, claims 2-5, 10-16, 18-23, and 25-32 depend from claims 1, 9, 17, or 24 and are, therefore, patentable for at least the same reasons as given above in support of claims 1, 9, 17, and 24. Accordingly, applicants respectfully request withdrawal of the rejections under 35 U.S.C. §103.

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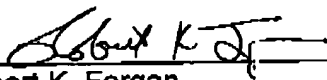
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Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

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